UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
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J&J SPORTS PRODUCTIONS, INC.,

     Plaintiff,

 -against-

OSCAR CORTEZ, individually and
d/b/a EL MIXTECO BAR; CLEMENTE
CORTEZ, individually and d/b/a EL
MIXTECO BAR; MARCOS CORTEZ,
individually and d/b/a EL MIXTECO
BAR; and EL MIXTECO, INC., an
unknown business entity, d/b/a EL
MIXTECO BAR,

     Defendants.
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MEMORANDUM AND ORDER
Case No. 19-CV-5219 (FB) (ST)

BLOCK, Senior District Judge:

  Magistrate Judge Tiscione issued a Report and Recommendation ("R&R") recommending that Defendants' motion to set aside default be granted and the Clerk's entry of default be vacated. The R&R warned that "[f]ailure to file timely objections shall constitute a waiver of those objections both in the District Court and on later appeal to the United States Court of Appeals." R&R at 8. The Court then entered an order setting May 6, 2020, as the deadline for objections. No objections have been filed.

  Where clear notice has been given of the consequences of failure to object, and there are no objections, the Court may adopt the R&R without de novo review.

See Thomas v. Arn, 474 U.S. 140, 149-50 (1985); *Mario v. P & C Food Mkts., Inc.*, 313 F.3d 758, 766 (2d Cir. 2002) ("Where parties receive clear notice of the consequences, failure timely to object to a magistrate's report and recommendation operates as a waiver of further judicial review of the magistrate's decision."). The Court will, however, excuse the failure to object and conduct de novo review if it appears that the magistrate judge may have committed plain error. *See Spence v. Superintendent, Great Meadow Corr. Facility*, 219 F.3d 162, 174 (2d Cir. 2000).

No error, plain or otherwise, appears on the face of the R&R, so the Court adopts it without de novo review. Accordingly, the Clerk shall grant Defendants' motion to set aside default and shall vacate the entry of default.

SO ORDERED.

_/S/ Frederic Block_____
FREDERIC BLOCK
Senior United States District Judge

Brooklyn, New York
May 26, 2020

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